

CENTRAL ADMINISTRATIVE TRIBUNAL
KOLKATA BENCH, 234/4 A.J.C Bose Road Nizam Palace Kolkata

ORDER SHEET

COURT NO. : 1

30.08.2018

O.A./350/1293/2018
(MENTIONED) (SB)THAKUR MANDAL
-V/S-
EASTERN RAILWAY

ITEM NO:18

FOR APPLICANTS(S) Adv. : Mr. B.Chatterjee

FOR RESPONDENTS(S) Adv. : Mr. S.K.Das



Notes of The Registry	Order of The Tribunal
	<p>Heard Mr. B.Chatterjee, Ld. Counsel for the applicants, and Mr. S.K.Das, Ld. Counsel appearing for the Official Respondents, on whom a copy of the O.A. has been served.</p> <p>2. This O.A. has been filed under Section 19 of the Administrative Tribunals Act, 1985 with the following prayers:</p> <ul style="list-style-type: none"> "a) To pass an appropriate order directing upon the respondents authority to give appointment on compassionate ground to the applicant in any suitable post; b) To pass an appropriate order directing the respondent authority to consider the representations of the applicant in accordance with law within a stipulated period c) Cost incidental thereto. d) Any other or further order or orders or direction as to your Lordships may deem fit by way of moulding reliefs." <p>3. Brief facts of the case of the applicant are that his father, namely Budhan Mandal who was working as Khalasi under Senior Section Engineer (Workshop), Asansol, Eastern Railway, died in harness on 3rd June, 1998 at the age of 50 years while in Service. After demise of his father applicant's elder brother made application before the respondent authority for appointment on compassionate ground which</p>

was rejected by the concerned authority on the ground of fake School Certificate. Thereafter, applicant's mother made another representation for appointment of her younger son on compassionate ground. Subsequently, applicant made another representation on 25.07.2015 (Annexure-A/5) before Respondent No. 3 seeking compassionate appointment but the respondent authority till date did not consider the same. Accordingly, this Original Application has been filed.

4. Ld. Counsel for the applicant submitted that the grievance of the applicant may be redressed if a specific direction is given to Respondent No.3 to consider the said representation under Annexure-A/5 within a specific time frame.

5. Taking into account the submissions made by Ld. Counsel for the applicant, I do not think that it will be prejudicial to either of the sides if this O.A. is allowed to be disposed of. Accordingly, without going into the merit of the matter, I dispose of this O.A. by directing Respondent No.3 to consider the representation as at Annexure-A/5, if any such representation has been preferred and is still pending consideration, and pass a reasoned and speaking order within a period of six weeks from the date of receipt of copy of this order.

6. Although, I have not expressed any opinion on the merit of the matter and all the points raised in the representation, stated to have been made and is still pending consideration before Respondent No.3, will be considered as per Rules and Regulations in force, still then I hope and trust that if after such consideration the case of the applicant is found genuine then expeditious steps may be taken by the Official Respondents to grant him compassionate appointment within a further period of three months therefrom. However, I also make it clear that if in the meantime the said representation under Annexure-A/5 has already been considered and disposed of then result of the same be communicated to the applicant within a period of two weeks from the date of receipt of this order.

7. With the aforesaid observation and direction, this O.A. stands disposed of. No costs.

8. As prayed for by Ld. Counsel for the applicant, copy of this order along with paperbook be transmitted to



Respondent No.3 by Speed Post for which he undertakes to deposit the cost with the Registry by 03.09.2018.

9. Free copies of this order be handed over to the Ld. Counsels for both the sides.

(A.K. PATNAIK)
MEMBER (J)

SS